

IN THE MATTER OF THE VERIFIED)	
PETITION FOR WRIT OF PROHIBITION)	
AND/OR TO EXERCISE APPELLATE)	
JURISDICTION OVER ORDERS OF THE)	
DISTRICT COURT.)	
-----)	
STATE OF IDAHO,)	O R D E R
)	
Petitioner,)	NO. 29203
)	Ref. No. 02S-389
v.)	
)	
DISTRICT COURT OF THE FOURTH)	
JUDICIAL DISTRICT and HON. DEBORAH)	
A. BAIL, District Judge,)	
)	
Respondents.)	
)	
And)	
)	
IDAHO SCHOOLS FOR EQUAL)	
EDUCATIONAL OPPORTUNITY (ISEEO);)	
TWENTY-TWO (22) SCHOOL DISTRICTS)	
AND 36 PATRONS,)	
)	
Intervenors-Respondents.)	

The following matters are pending:

1. VERIFIED PETITION FOR WRIT OF PROHIBITION AND/OR TO EXERCISE APPELLATE JURISDICTION OVER ORDERS OF THE DISTRICT COURT with supporting MEMORANDUM and AFFIDAVIT OF COUNSEL with attachments filed by Petitioner December 23, 2002.
2. MOTION FOR JUDICIAL NOTICE AND MOTION TO DENY PETITION FOR WRIT OF PROHIBITION OR MANDATE filed April 28, 2003.
3. AMENDED VERIFIED PETITION FOR WRIT OF PROHIBITION AND/OR TO EXERCISE APPELLATE JURISDICTION OVER ORDERS OF THE DISTRICT COURT with supporting MEMORANDUM with attachments filed by Petitioner May 1, 2003.

4. ANSWER AND COUNTERCLAIM FOR DECLARATORY JUDGMENT with supporting MEMORANDUM filed by Respondent, Honorable Deborah A. Bail, November 24, 2003
5. ANSWER AND COUNTERCLAIM filed December 1, 2003 by Intervenors, Idaho Schools for Equal Educational Opportunity, et al.
6. MOTIONS TO STRIKE AND/OR DISMISS ANSWER AND COUNTERCLAIM WITHOUT REACHING THE MERITS with supporting MEMORANDUM filed December 4 and December 5, 2003 by Petitioner.
7. APPLICATION TO LIFT SUSPENSION OF PROCEEDINGS with attachments and supporting MEMORANDUM filed December 5, 2003 by Respondent, Honorable Deborah A. Bail.
8. JOINDER BY ISEE IN JUDGE BAIL MOTION TO LIFT SUSPENSION OF PROCEEDINGS AND MOTION FOR EXPEDITED ORAL ARGUMENT filed December 9, 2003 by Intervenors, Idaho Schools for Equal Educational Opportunity, et al.
9. MEMORANDUM IN OPPOSITION TO LIFT SUSPENSION OF PROCEEDINGS filed by Petitioner December 12, 2003.

An ORDER has been entered in related case Idaho Schools for Equal Education Opportunity, et al. v. State of Idaho, No. 29616, in which the Court will consider any and all challenges to the constitutionality of H.B. 403; all other issues raised shall be reserved until an opinion is issued on the above issue. Therefore, good cause appearing,

IT IS HEREBY ORDERED that all issues raised in this proceeding shall be reserved until an opinion is issued on the constitutionality of H.B. 403 in the above related case.

DATED this 23rd day of January 2004.

By Order of the Supreme Court

Linda Copple Trout, Chief Justice

ATTEST:

Frederick C. Lyon, Clerk

cc: Counsel of Record